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CASE CT-2590-NP

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August 14, 2002

*7/ Election
w/traverse*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*C/M
8/14/02*

IN RE APPLICATION OF GRIBKOFF, ET AL.

EXAMINER: Laura L. Stockton

APPLICATION NO: 09/975,881

ART UNIT: 1626

FILED: October 12, 2001

FOR: Selective Maxi-K Potassium Channel Openers Functional Under Conditions of
High Intracellular Calcium Concentration, Methods and Uses Thereof

*Bet
9-7-02*

Assistant Commissioner for Patents
Washington, D.C. 20231

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RESPONSE TO OFFICE COMMUNICATION

TECH CENTER 1600/2900

Sir:

A shortened statutory period for response to the outstanding Office
Communication mailed July 17, 2002, is August 17, 2002.

REMARKS

Claims 1 to 65 are pending in the application and are subject to a restriction
requirement under 35 U.S.C. §121.

Applicants reply filed on June 26, 2002 (Paper No. 5) provided for the provisional
election with traverse of the invention of Group I, claims 1-13 and 22-34, drawn to a
method and also provided reasons why Group I and Group II claims should be
combined.

Furthermore, Applicants election of Example 2 on page 27 as a single disclosed species was not fully responsive because there are several species listed in the elected examples.

In response to the Examiner's request of July 17, 2002, to elect a single disclosed species as found in claims 9-11, Applicants hereby provisionally elect the species of claim 10, with traverse for the same reasons as stated in Paper No. 5.

Applicants wish to thank the Examiner for providing us with the opportunity to correct this inadvertent omission from the reply filed on June 26, 2002.

For the same reasons, reconsideration of the restriction is respectfully requested.

Respectfully submitted,



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Date: August 14, 2002